

1 Q Did you share that frequency with other licensees?

2 A Yes, I had.

3 Q For instance?

4 A We share that license with TNT Communications,
5 Telepage Systems out of Parkersburg. We shared that system
6 with Ashland Oil at that time -- 565 Corporation which is the
7 holding -- licensee holding company for Ashland Oil.

8 Q Did you have any interference problems with those
9 licensees?

10 A No, sir. Both of us had busy monitors and
11 acknowledged one another.

12 Q About how many pagers can you run on an RCC paging
13 channel?

14 A With today's technology, of course, you can run the
15 flex protocol which could give you up to 500,000 pagers on a
16 system. The typical scenario would probably be 100,000
17 display pagers.

18 Q Back in 1989, do you know how many paging units
19 Capitol had out on the streets on the air?

20 A No, sir. Not the exact number. I didn't -- I
21 wouldn't know what their exact paging numbers are.

22 Q Was it over 10,000?

23 A It probably -- that or less.

24 MR. HARDMAN: I object, Your Honor.

25 JUDGE CHACHKIN: Sustained. The witness doesn't

1 know. He's just guessing. Sustained. The answer is
2 stricken.

3 BY MR. JOYCE:

4 Q When Capitol applied to share your frequency -- not
5 your frequency, but the 152.48 frequency, did they contact you
6 about that application?

7 A No, they didn't call me about the application

8 Q Did they talk to you at any time about coordinating
9 on that frequency like you had with these other licensees?

10 A No, sir. However, RAM did offer Capitol --

11 MR. HARDMAN: I object, Your Honor. Nonresponsive.

12 JUDGE CHACHKIN: Sustained. The remaining answer is
13 stricken as nonresponsive to the question.

14 BY MR. JOYCE:

15 Q Did RAM Technologies contact Capitol when you
16 learned about their frequency, about coordinating on that
17 frequency?

18 A Yes. We had talked to them. We had offered to
19 install a wire line control between the two terminals.

20 Q Would that have resolved any interference problems
21 that you would've had with Capitol?

22 A I think that it would've taken care of a good
23 portion.

24 Q What was Capitol's response?

25 A They didn't want to give up the --

1 MR. HARDMAN: I object, Your Honor. There's no
2 foundation that this witness made the contact or is in a
3 position to know what Capitol said in response. He also said
4 earlier that Mr. Capehart --

5 JUDGE CHACHKIN: Wait a minute. That's what I want
6 to understand. Is the witness testifying from his personal
7 knowledge that he made a contact and he got a response?

8 MR. JOYCE: He is testifying as an officer of this
9 company.

10 JUDGE CHACHKIN: But there are other witnesses who
11 have direct knowledge. The fact he's an officer of this
12 company doesn't mean anything. You asked him if he got a
13 response. I assumed that he had some personal conversation on
14 the subject. If he didn't, then it's going to be stricken.

15 MR. JOYCE: Mr. Moyer --

16 JUDGE CHACHKIN: So the questions and answers -- the
17 answers concerning the contacts will be stricken since it
18 doesn't appear that Mr. Moyer has personal knowledge of these
19 matters.

20 MR. JOYCE: I believe he does, Your Honor. I'd be
21 happy --

22 JUDGE CHACHKIN: Well, let's find out if the witness
23 was the one who spoke to someone at Capitol.

24 MR. JOYCE: I'd be happy to address that.

25 BY MR. JOYCE:

1 Q Mr. Moyer, did you authorize or did you personally
2 have any -- initiate any contacts with Capitol to try to share
3 your frequency?

4 A No, sir. I did not directly. I had -- Mr. Capehart
5 handled that.

6 Q Are you familiar with the rate regulation process in
7 West Virginia?

8 A Somewhat. Yes, sir.

9 Q Are you aware of the fact that Capitol says that it
10 went with the PCP frequency because it would give them the
11 ability to lower their rates?

12 MR. HARDMAN: Your Honor, I don't understand the
13 relevancy of this. This is not rebuttal. The government has
14 the chance for rebuttal --

15 JUDGE CHACHKIN: Sustained.

16 BY MR. JOYCE:

17 Q Are there more than one PCP frequencies available in
18 your area?

19 A Yes, sir. There is.

20 Q What about RCC frequencies?

21 A There are numerous RCC channels available.

22 Q How many approximately?

23 A There's probably approximately, at the present time,
24 UHF channels available. There's 900 megs available -- 900 meg
25 paging channels. There is some VHF channels available in the

1 marketplace.

2 Q Well, in your opinion, why didn't Capitol apply for
3 those frequencies?

4 MR. HARDMAN: Your Honor --

5 JUDGE CHACHKIN: Sustained. He can't testify as to
6 what opinion -- his opinion is irrelevant to why Capitol
7 didn't file for it.

8 MR. JOYCE: When you -- you testified earlier that
9 you were monitoring the frequency and that you -- not to put
10 words in your mouth, but you determined that, if I recall
11 correctly, that Capitol was duplicating its RCC traffic onto
12 the 152.48 traffic. Is that an accurate summary of what you
13 heard?

14 MR. HARDMAN: Your Honor, this is a very sensitive
15 issue because it's an area that I went over and there was some
16 confusion, which I thought we had clarified on the record, and
17 now we have counsel putting words in his mouth.

18 MR. JOYCE: Well, I hadn't clarified anything.

19 JUDGE CHACHKIN: I'll sustain the objection. You
20 can ask your questions, but no leading questions of the
21 witness.

22 BY MR. JOYCE:

23 Q Mr. Moyer, what was it that caused you to monitor
24 the frequency?

25 A Well, the interference that we were receiving was

1 such volume that it had to be another -- there were no other
2 that massive amount of traffic on any other channel, any other
3 -- other than an RCC -- another competing RCC. Looking at who
4 the carriers are in the marketplace, looking at the
5 frequencies that they had until I stepped through the
6 frequency bank and all of a sudden, both of them were
7 identical and it happened to be Capitol's frequency.

8 Q When you say interference, what actually is that?
9 Were pagers not going out? What exactly is interference?

10 A Well, it actually -- that volume of traffic --
11 because we have to hold back or busy back and wait for it to
12 clear had our paging system shut down. Basically we were
13 holding back traffic and no traffic -- no paging -- no pages
14 were going off on our system because of this enormous amount
15 of different paging traffic coming from Capitol's frequency --
16 prime frequency.

17 Q When you built your PCP system, did you use your own
18 equipment?

19 A Yes, sir, I did. We constructed the probably seven,
20 eight transmitters on that system. We designed it -- I
21 personally designed that particular system and through my past
22 experience in the RCC and the paging industry and put it on
23 the air.

24 Q Do you ever borrow equipment from a paging
25 competitor?

1 MR. HARDMAN: Your Honor --

2 JUDGE CHACHKIN: Sustained.

3 BY MR. JOYCE:

4 Q When you put your PCP system on the air, did you
5 test it out?

6 A Yes, sir.

7 Q What's involved in that testing process?

8 MR. HARDMAN: Your Honor --

9 JUDGE CHACHKIN: Sustained. His system is not in
10 hearing. If you want to put his system in hearing, we can go
11 into it. But I thought it was Capitol's system. He's not an
12 expert witness and he's not -- the way he did it doesn't mean
13 that someone else can't do it some other way. It's totally
14 irrelevant to the issues in this case.

15 MR. JOYCE: Your Honor, I believe we already have
16 documentary evidence and I don't believe it has to be
17 submitted into evidence in this hearing for me to address this
18 issue. We have a response to the FCC's Notice of Apparent
19 Liability wherein Capitol's responds that interference was
20 caused by RAM. I think even if that -- if I cannot dwell --
21 delve into that response, I think it's perfectly appropriate
22 to talk about how co-licensee's share a frequency. So I don't
23 see how we can talk about what Capitol did wrong without my
24 looking into what RAM did on the same frequency.

25 MR. HARDMAN: Your Honor, as you've said before, RAM

1 | did what it did, but that doesn't prove anything about whether
2 | it was right or provided a model for Capitol and the witness
3 | is certainly not being offered as an expert on paging or even
4 | shared frequencies.

5 | MR. JOYCE: He's being offered to testify about what
6 | it's like to share a PCP frequency, Your Honor. If he was on
7 | a different frequency, I would agree with Mr. Hardman that my
8 | questions are entirely irrelevant, but he's not. He's on the
9 | same frequency. He built the system just like Capitol did.
10 | He tested the system just like Capitol did. I think to
11 | understand what happened here and whether or not what Capitol
12 | did was wrong, I need to discuss what RAM did on the same
13 | frequency. I think it's relevant and it's perfectly proper.

14 | MR. HARDMAN: Your Honor, RAM's system is not on
15 | trial here. So whether RAM did it differently, did it better,
16 | did it worse, it's irrel-- it's not probative that anything
17 | Capital did was wrong or substandard.

18 | JUDGE CHACHKIN: How is it relevant to the issues,
19 | Mr. Joyce? What issue does it go to, these questions?

20 | MR. JOYCE: It goes to whether or not Capitol
21 | intentionally designed its system and operated it in such a
22 | way so as to cause harmful interference to co-channel
23 | licensees.

24 | JUDGE CHACHKIN: Then I would suggest that you then
25 | ask Capitol's witnesses questions in that area. I don't

1 understand what --

2 MR. JOYCE: Well, I know what they're going to tell
3 me, Your Honor.

4 JUDGE CHACHKIN: Well, if you want to put on an
5 expert witness to testify that what they did was wrong, you
6 can do so. But I don't see questioning your witness as to how
7 he designed his system has anything to do with the issues in
8 this case. I'm going to sustain the objection.

9 BY MR. JOYCE:

10 Q The interference that occurred on your frequency,
11 Mr. Moyer, did it occur just for a couple of days?

12 A We have had interference on this frequency in one
13 form or another for four years, since this began.

14 Q Have you eliminated the possibility that it could
15 have been one of your other co-licensees?

16 A Yes, sir. As a matter of fact, all interference
17 stopped when Capitol turned their 152.48 license in. We
18 haven't had a problem since.

19 MR. JOYCE: I have no further questions.

20 JUDGE CHACHKIN: Do you have any further questions,
21 Mr. Hardman?

22 MR. HARDMAN: Yes, Your Honor.

23 RECROSS EXAMINATION

24 BY MR. HARDMAN:

25 Q Now, I believe a little while ago, you testified

1 that the interference stopped about thirty days ago. Is that
2 right?

3 A Yes. Approximately thirty days.

4 Q I'm sorry?

5 A Thirty days or so.

6 Q Thank you. Now, you were asked some questions on --
7 I will call redirect about your choice of 152.48 megahertz for
8 your private carrier paging system. Isn't it a fact that the
9 VHF frequencies in the Charleston and Ashland and those areas
10 there where you're serving are the best frequencies available
11 for paging from the FCC?

12 A Yes. The VHF paging frequencies are better for that
13 terrain and to which that can be RCC or PCP.

14 Q RCC or PCP, right. So if there are other
15 frequencies available on, I think you said, 900 megahertz and
16 UHF --

17 A And on VHF

18 Q -- and some low-bands, from a technical standpoint,
19 that could reasonably be thought to be an inferior choice,
20 could it not?

21 A Well, other VHF channels.

22 Q I'm sorry. I haven't addressed VHF yet. I asked
23 about UHF, 900 megahertz, and low-band.

24 A It would be less desirable.

25 Q And you testified that you believe VHF frequencies

1 are available. Now, would that be under Part 22?

2 A Well, Part 22 and the private carrier.

3 Q And you're referring --

4 A To the other 157.74 frequency.

5 Q Right. Now, the 157.74 frequency didn't become
6 available for high-power use until September of 1990. Isn't
7 that right?

8 A That may be correct, sir.

9 Q So at the time Capitol applied for its PCP license,
10 152.48 megahertz was the only high-power VHF PCP frequency
11 available, was it not?

12 A Yes. But I believe that the 157.74 was available
13 prior to their grant.

14 Q That wasn't my question, sir. At the time they
15 filed the -- their application.

16 A At the time they filed their application, 152.48 was
17 the only high-power VHF frequency.

18 Q For PCP?

19 A For PCP

20 Q Right. Now, do you know whether or not there are
21 Part 22 VHF paging frequencies available at this time?

22 A Well, I don't believe that under the Part 22, under
23 the one-way signal frequencies, that they were available.
24 However, the two-way --

25 Q You know of your own knowledge that there are two-

1 way VHF frequencies that are available for assignment in the
2 Charleston --

3 A Yes, sir. I believe -- in 1990, yes, sir, I believe
4 there were.

5 Q Well, I believe my question was now.

6 A Well, I haven't had -- I haven't done a frequency
7 search to see.

8 Q And at the time, you did a frequency search and you
9 found there were some available?

10 A When, sir?

11 Q At the time Capitol applied for its PCP frequency.

12 A I didn't do a specific search of the V channels.
13 But my previous knowledge of the channels, even prior to that,
14 in '89 or in '88, I believe that the channels -- there were
15 channels available.

16 Q So you believe the channels were available at that
17 --

18 A Yes. I believe the channels were available. They
19 were available.

20 Q Well, now, that's a different thing. If you believe
21 they were available, but didn't specifically check, that's one
22 thing. Is that your testimony?

23 A Okay, that's my testimony.

24 Q Thank you. Now, you mentioned some companies that
25 you had -- I assume I could characterize it as favorable

1 sharing experiences with. TNT, I think, is one on 152.48.

2 Did I understand you correctly?

3 A Yes.

4 Q Now, isn't it true that, like in the case of TNT,
5 that you physically run their traffic through your terminal?

6 A No.

7 Q Did you monitor -- you have off-the-air monitor --

8 A They have their own transmitting system and we have
9 the two terminals connected between each other and data
10 circuit. I do not process all their -- you know, all their
11 pages. Only selected ones. Only selected subscribers that
12 needs that coverage under the TNPP protocol.

13 Q I'm confused now. So you network together with them
14 and --

15 A Yes.

16 Q -- you provide coverage in some areas and TNT
17 provides coverage in other areas?

18 A Yes. And if then if they have customers who want
19 the coverage in Charleston where they elected not to construct
20 their transmitting facilities, but simply hand that call to
21 us, we process it for them.

22 Q So your actual coverage doesn't overlap the coverage
23 from their transmitters.

24 A No, sir.

25 MR. HARDMAN: I have no further questions.

1 JUDGE CHACHKIN: Is that true about the other --

2 MR. MOYER: Yes, sir. On Telepage which is in
3 Parkersburg, West Virginia.

4 JUDGE CHACHKIN: So you don't have overlapping
5 coverage.

6 MR. MOYER: We do have overlapping -- we do have an
7 overlapping coverage, sir, but they can steer -- if a customer
8 requires a larger area of coverage, rather than those
9 companies come in and construct their transmitters where it
10 will possibly -- we would interfere with one another, that's a
11 way of eliminating and having the cooperative agreements
12 between co-channel users.

13 JUDGE CHACHKIN: So your transmitters don't overlap.

14 MR. MOYER: If you have a piece of paper, I'd be
15 glad to show you.

16 JUDGE CHACHKIN: No, I understand what you're
17 saying. They deliberately not constructed a transmitter.

18 MR. MOYER: And they use our facilities.

19 JUDGE CHACHKIN: And they use your facility, yes.

20 MR. MOYER: And we do the same thing. We use their
21 facilities to eliminate that harmful interference.

22 JUDGE CHACHKIN: All right. Does the Bureau have
23 any further questions?

24 MS. FOELAK: Yes, Your Honor. Just a couple of
25 questions.

REDIRECT EXAMINATION

BY MS. FOELAK:

Q Mention was made of the term busy monitor. For those that may not be technically inclined, could you like explain that in simple language?

A Well, that's a fixed frequency receiver that is on the channel and it is listening for another user and would provide a contact closure out -- or what we would refer to as a carrier-operated relay that would signal my terminal to say the channel is busy, don't process any pages. There is a co-channel user on there.

Q With reference to the discussion that you just had about overlapping with this other company's transmitters and so on and your providing this service in your area for some of their customers at times, did you mean to say that the transmitting areas overlapped not at all or a little or --

A No, they overlapped. They'll overlap. The R.F. will overlap.

Q And the busy monitor takes care of that?

A Well, the busy monitor strictly -- on the outer extremes -- you know, I'll be glad to -- on the map, to show you. But on the outer extremes, you'll have the overlap of the signals where that is really not causing any interference into the main system.

Q Turning your attention back to when you were

1 | listening to the signals on the two VHF channels, on the two
2 | radios, can you go over again how you could tell that it was
3 | the same material on both 152.510 and 152.480?

4 | MR. HARDMAN: Your Honor, I don't recall any
5 | questions on either cross or redirect that went to those --
6 | went to this issue.

7 | JUDGE CHACHKIN: Were there any questions on cross
8 | relating to that issue?

9 | MS. FOELAK: I thought there were, but perhaps I was
10 | mistaken.

11 | JUDGE CHACHKIN: I'll sustain the objection on the
12 | grounds it's not proper redirect.

13 | BY MS. FOELAK:

14 | Q On cross and redirect, there was a good deal of
15 | discussion about a choice of frequencies in setting up a
16 | paging station. Can you tell us once you got your license how
17 | long it would take to set up the station and the shakedown
18 | period? When I say --

19 | A Our installation -- our installation time for the
20 | entire system -- once the equipment arrived on site, we, of
21 | course, put the entire system in our maintenance facility and
22 | basically did a burn-in on all the equipment, where we
23 | actually have those transmitters operating into dummy loads,
24 | four or five of them, into dummy loads.

25 | We actually have the control station sitting there

1 kind of leaking out radiation within the room to be able to
2 completely test the system to make sure it works and that
3 there's no failures and during that critical 48-hour burn-in
4 when you get a new transmitter or any -- any new electronic
5 device is going to fail -- if there is a failure, will fail
6 within a 48-hour -- 24 to 48 hour period.

7 Once all the levels are adjusted, the time delays
8 for the sides are set, the simulcasting, and all the fine
9 touching of the audio levels, we simply take the station to
10 the site where the antenna was already pre-hung, the
11 installation was pre-done, put it into a transmitter building,
12 attach it up, check our output power, check our reflected
13 power, check our receiver sensitivity, and at that point, that
14 station is basically done.

15 Q And that's how long?

16 A Well, that's just a matter of a couple of days, of
17 taking those around, setting them in because we have a lot of
18 pre-work that we do behind the scenes if it's done properly
19 and timely. I mean, you do that in a lab environment. You
20 don't be running out all over the mountain tops trying to
21 tweak and test and adjust. All that's done inside the lab
22 environment.

23 Q One final topic. With reference to the time frame
24 when the interference stopped, can you say again what time
25 frame that was?

1 MR. HARDMAN: Your Honor, asked and answered.

2 JUDGE CHACHKIN: I'll overrule the objection.

3 MR. MOYER: We have not had any interference for the
4 last thirty days.

5 MS. FOELAK: Since after Christmas you're saying?

6 MR. MOYER: Since after probably the mid-part of
7 December, after Christmas time period. I don't know the exact
8 date, but thirty days.

9 MS. FOELAK: You don't know the exact date, okay.
10 That's all I have.

11 MR. HARDMAN: Your Honor, I just have one minor
12 question.

13 JUDGE CHACHKIN: Go ahead.

14 RECROSS EXAMINATION

15 BY MR. HARDMAN:

16 Q You were asked by Ms. Foelak about the procedures
17 you go through in setting up the business and the care you
18 take in installing your system and so forth. It's true, is it
19 not, that your PCP paging business is RAM's main paging
20 business or is it its only paging business?

21 A It's its main paging business, yes.

22 Q Right. So if a customer doesn't like his service
23 from your PCP system, you don't have like a common carrier
24 alternative to offer it, do you?

25 A Yes.

1 Q I'm sorry?

2 A Yes.

3 Q You do have a common carrier alternative?

4 A Yes.

5 Q And what frequency does that operate on?

6 A 152.6, I believe, sir.

7 Q And when was that --

8 A That was filed after we were in the PCP business.

9 Q Can you be a little more specific?

10 A I don't have that exact date, Mr. Hardman.

11 Q Within the last year?

12 A Within the last couple of years, yes.

13 Q So at the time the -- Capitol filed its PCP
14 application, you were not also a common carrier.

15 A No.

16 Q That came later.

17 A Yes.

18 MR. HARDMAN: I have no more questions.

19 JUDGE CHACHKIN: You're excused. Thank you, Mr.
20 Moyer. We'll take a ten-minute recess at this time.

21 (Off the record 11:45 a.m.)

22 (On the record 11:58 a.m.)

23 JUDGE CHACHKIN: Before we begin the next witness, I
24 propose to recess for lunch at 12:30 until 1:30 and recess for
25 the day at 4:00 and we start tomorrow at 9:30. Let's proceed

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1 with your next witness.

2 MS. FOELAK: I call as my next witness James Walker.

3 (Whereupon,

4 JAMES G. WALKER

5 having first been duly sworn, was called as a witness herein

6 and was examined and testified as follows:)

7 JUDGE CHACHKIN: Please state your name and address
8 for the record, please.

9 MR. WALKER: My name is James G. Walker, address --
10 home address, 1307 Pleasant Valley Drive, Baltimore, Maryland.

11 DIRECT EXAMINATION

12 BY MS. FOELAK:

13 Q Mr. Walker, could you state your employment?

14 A I'm a field engineer for Federal Communications
15 Commission, employed in the Baltimore field office.

16 Q And how long have you been with the FCC --

17 A Since --

18 Q -- in that capacity?

19 A Since 1976.

20 Q And what is your education?

21 A Bachelor of science degree in electrical
22 engineering.

23 Q Could you tell us what the nature of your duties is?

24 A Enforcement of radio-related rules, regulations,
25 interference resolution, locate problems, make suggestions as

1 to changes to correct interference.

2 Q And can you describe any contact that you had with
3 Capitol and the complainant, RAM Technologies in this matter
4 over the past few years?

5 A Probably about March or so of 1991, I began getting
6 phone calls from both RAM and Capitol, each complaining that
7 the other was causing interference and this -- phone calls,
8 letters, et cetera, and the allegation is deliberate,
9 malicious interference.

10 Q And did you make any response to them on their
11 various phone calls?

12 A Very early during these calls, I began to realize
13 that this is two people on the same license for the same
14 channel. They would have to share the channel. I told them
15 work out their problems, that it must be a shared channel.
16 They had to share, work it out. They continued to call.

17 I told both of them -- I suspect it was Dale
18 Capehart for RAM and Mike Raymond for Capitol, at some point,
19 told them that if they continued not to get along, not to be
20 able to share the channel and they forced my involvement, that
21 when I came out there, I would be attempting to find problems
22 in both systems, both operations. I would be looking very
23 closely for violations, so please work it out.

24 Q Turning your attention to August 1991, to the August
25 the 12th to 15 week, can I ask you to reach over to that book

1 of exhibits and open it to PRB-3? Do you recognize that
2 exhibit marked PRB-3?

3 A Yes, ma'am. This is my report from our monitoring
4 and inspection the week of August 12th.

5 Q And is there anything in it that you would want to
6 change?

7 A Not that I'm aware of right now.

8 MS. FOELAK: Your Honor, I request that the exhibit
9 marked PRB-3 be received into evidence.

10 JUDGE CHACHKIN: Any objection?

11 MR. HARDMAN: No objection.

12 JUDGE CHACHKIN: PRB Exhibit 3 is received.

13 (Whereupon, the document referred
14 to as PRB Exhibit No. 3 was
15 received into evidence.)

16 MS. FOELAK: Turning to the week of August 12th and
17 -- which is the subject of PRB-3, can you tell us what you did
18 in Charleston, monitoring the frequency and so on?

19 MR. HARDMAN: Your Honor, the PRB-3 purports to
20 recite, you know, what was done. I mean, this is the report
21 on the inspection and it covers all of this. I object to
22 having oral testimony on, you know, matters covered by the
23 report as accumulative. The report's been received into
24 evidence and I look at it as in lieu of prepared direct. But
25 there's --

1 JUDGE CHACHKIN: Well, if all it's going to do is
2 just state what's stated in the report, I don't see any
3 purpose. If you want to illuminate something --

4 MS. FOELAK: I was going to ask him --

5 JUDGE CHACHKIN: -- that's contained in the report,
6 then I'll permit you to do so.

7 MS. FOELAK: Okay. I was going to ask him details
8 of how he monitored the channel and details of the inspection,
9 not just to repeat what's in the report.

10 JUDGE CHACHKIN: That's not in the report.

11 MS. FOELAK: That's correct.

12 JUDGE CHACHKIN: I'll permit that.

13 BY MS. FOELAK:

14 Q Can you describe your monitoring, starting with
15 August 12th?

16 A The equipment that's used is a tuneable receiver and
17 automatic direction finding installed in a vehicle. Take that
18 vehicle, in my case, into close proximity, probably within a
19 quarter-mile or so, of RAM's transmitter there in Charleston
20 and --

21 Q And can you explain why you went close to RAM's
22 transmitter?

23 A If you have two transmitters on the air on the same
24 channel, due to the FM capture of that, typically I'm only
25 going to hear the transmitter that I'm closest to.

1 Q And were you -- were you with anyone or were you
2 just --

3 A So I stationed myself, say in the vicinity of RAM's
4 transmitter. Mr. Bogert had a similar -- similarly equipped
5 vehicle and he stationed himself in the vicinity of Capitol's
6 transmitter on that same channel.

7 Q And when you listened on the frequency, what did you
8 hear?

9 A I found that the channel was relatively busy,
10 predominantly with what we refer to as digital paging,
11 identified as RAM's transmissions. We also heard fewer
12 transmissions of tone paging signals identified as Capitol's
13 transmissions.

14 Q Was there -- can you describe the duration of the
15 tones or if they changed or what?

16 A The duration of the tones seemed rather long, based
17 on previous monitoring other situations, just based on past
18 experience. The duration of the tones seemed quite long. The
19 -- after a short period of monitoring, it became obvious that
20 it was the same sequence of tones every time that we were
21 hearing and again, this is Capitol's transmissions.

22 Q The same tones repeated again and again.

23 A The same sequence of tones repeated over and over.
24 It appeared that these things were being transmitted
25 approximately over -- this sequence, transmitted approximately

1 every minute and in the case of the channel being busy with
2 RAM's traffic, the sequence of tones would be stored until
3 such time as the channel was idle and then the sequence would
4 be transmitted at that time. However, it may be two or three
5 sequences. The same sequence would be repeated several times.

6 Q You indicated that they were every minute. Then how
7 long did they run in a given minute?

8 A It was on the order of twenty seconds, perhaps a
9 little longer.

10 Q And were there any messages transmitted along with
11 the tones?

12 A Not that we heard.

13 Q Can you tell us how you knew that certain
14 transmissions were Capitol's and how you knew certain ones
15 were RAM's?

16 A Both stations identified with call signs. We --
17 again, through direction finding, we know -- we have a bearing
18 toward the transmitter. We know where the transmitter is
19 supposed to be. We know that we are close to that. So from
20 the bearing that we get from the vehicle, the signal level
21 being relatively strong, we know we're close to the
22 transmitter for that and the call sign that's being
23 broadcasted.

24 There's three different ways of determining whose
25 transmitter it is. Capitol and RAM, as it turns out, are